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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,459	12/03/2004	Klaus Nagele	47512	2871

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EXAMINER

CHANG, RICK KILTAE

ART UNIT

PAPER NUMBER

3726

MAIL DATE

DELIVERY MODE

03/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,459

Applicant(s)

NAGELE ET AL.

Examiner

Rick K. Chang

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/22/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coffield (US 6,511,562) in view of Schulte (US 6,478,382).

Re claim 5: Coffield discloses producing a profile component (14,16) with a mounting opening (22,24) therein predominantly from a first plastic material (col. 6, lines 17-24) with a first melting point range; producing a sew-on tag (18 is a tag, but not sew-on) separately from the profile component and predominantly of a second plastic material (20) with a second melting point range, said first and second melting point ranges being different; locating a portion of the sew-on tag in the mounting opening of the profile component (Fig. 2); subjecting the profile component and the sew-on tag to thermal action so that one of the first and second plastic materials remains substantially stable while the other of the first and second plastic materials penetrates recesses in the one of the first and second plastic material (Fig. 3); and cooling the plastic materials the profile component and the sew-on tag such that the other of the first and second plastic materials solidifies in the recesses to bond the profile component and the sew-on tag (inherent), except for 18 is sew-on.

Schulte discloses 9 is sew-on.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Coffield by providing a sew-on tag, as taught by Schulte, for the purpose of sewing the tag onto something else.

Re claim 6: Coffield discloses the first plastic material is extrudable (col. 6, lines 17-24); and the sew-on tag comprises one of a non-woven material, a formed fabric (col. 6, lines 9-18) and an open-pore woven material.

Re claim 8: Coffield discloses the profile component is extruded (col. 6, lines 17-24); the tag is bonded to the profile component by being mounted in the mounting opening at one of immediately after extrusion of the profile component (Fig. 2) and simultaneously with extrusion of the profile component; and wall components of the profile component adjoining the mounting opening and the portion of the tag in the mounting opening are pressed together to initiate penetration of the other of the first and second plastic materials into the recesses (Fig. 3).

Re claims 9-10: Coffield discloses said second melting point range (based on col. 6, lines 3-4, one can use an adhesive having the melting point range greater the first MP range) is greater than said first melting point range.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coffield (US 6,511,562)/Schulte (US 6,478,382) as applied to claims 5-6 above, and further in view of Bethe (US 4,197,342).

Coffield discloses the first plastic material is polyvinyl chloride material (col. 6, line 21), except for soft PVC and the second plastic material comprises a polyester non-woven material.

Bethe discloses curing is done with heating which makes the first plastic material soft polyvinyl chloride material during bonding process in the Coffield reference; and the second plastic material comprises a polyester non-woven material (col. 6, lines 20-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Coffield/Schulte by providing soft PVC and the second plastic material comprises a polyester non-woven material, as taught by Bethe, for the purpose of utilizing materials that are readily available.

Response to Arguments

4. Applicant's arguments filed 12/22/08 have been fully considered but they are not persuasive.

Curing of 20 is a thermal action and Hytrel or PVC and urethane adhesive are different materials and acquired different melting temps.

Fig. 2 show immediately after (claim 8).

Interviews After Final

5. Applicant note that an interview after a final rejection must be submitted briefly in writing the intended purpose and content of the interview (the agenda of the interview must be in writing). Upon review of the agenda, the Examiner may grant the interview if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations will be denied. See MPEP 714.13 and 713.09.

Conclusion

6. Please provide reference numerals (either in parentheses next to the claimed limitation or in a table format with one column listing the claimed limitation and another column listing corresponding reference numerals in the remark section of the response to the Office Action) to all the claimed limitations as well as support in the disclosure for better clarity (optional).

Applicants are duly reminded that a full and proper response to this Office Action that includes any amendment to the claims and specification of the application as originally filed requires that the applicant point out the support for any amendment made to the disclosure, including the claims. See 37 CFR 1.111 and MPEP 2163.06.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick K. Chang whose telephone number is (571) 272-4564. The examiner can normally be reached on 5:30 AM to 1:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rick K. Chang/
Primary Examiner, A.U. 3726

RC
March 3, 2009